United Nations CEDAW/C/GIN/Q/7-8

Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women

List of issues and questions in relation to the combined seventh and eighth periodic reports of Guinea*

Constitutional, legislative and institutional framework

1. It is indicated in the report that the word "distinction" is used in the Constitution instead of "discrimination" (paras. 25 and 26).[1] Please provide further information on the interpretation of this concept by courts and tribunals and indicate whether the adoption of a definition of discrimination against women in line with article 1 of the Convention is envisaged. It is indicated in the report that the Civil Code is being revised (paras. 31 and 183). Please indicate the content of the draft amendments relating to women's rights and the time frame for their adoption. Please also provide information on actions taken to repeal all remaining discriminatory provisions in the legislation. Please provide information on the hierarchy and competencies of the civil law, customary law and Islamic law and on the provisions regarding their coexistence (para. 203).

Women and peace and security

2. Reference is made in the report to the training of security forces in Security Council resolutions 1325 (2000), 1820 (2008), 1888 (2009) and 1889 (2009) on women and peace and security, in addition to the existence of a steering committee for the implementation of resolution 1325 (2000) (para. 31). Please indicate whether a national action plan on the implementation of resolutions 1325 (2000) and 1820 (2008) has been adopted and, if it has, provide details on its implementation.

Justice sector reform and access to justice

3. The International Commission of Inquiry mandated to establish the facts and circumstances of the events of 28 September 2009 in Guinea, which confirmed at least 109 instances of rape and other sexual violence, highlighted impunity as a

* Adopted by the pre-sessional working group for the fifty-ninth session, meeting from 3 to 7 March 2014.

[1] Unless otherwise indicated, paragraph numbers refer to the combined seventh and eighth periodic reports of the State party.

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priority concern. Most of the persons named in the report are reported to still hold office and have not been prosecuted. Please provide information on the support, including material and human resources, safety and protection, being provided to the panel of judges appointed by the Minister of Justice to carry out their mandate and conduct investigations. Please provide information on measures taken or envisaged for the justice sector reform and, more particularly, to address the dysfunction of the court system and culture of impunity. Please provide information on safety and protection measures for victims of sexual violence and witnesses and on measures to enhance their access to justice, including information on their access to legal aid.

National machinery for the advancement of women

4. Mention is made in the report of a draft strategic plan on the African Women's Decade (para. 31), a national policy on the family (paras. 31 and 42), a national policy on gender (para. 38), a national policy for the advancement of women (para. 39) and a national strategy on gender-based violence (para. 45). Please indicate the actions taken for their adoption and/or implementation and provide information on the coordination, monitoring and evaluation of their implementation. Please provide information on the capacity, authority, visibility and human and budgetary resources of the national machinery for the advancement of women. Please also provide information on data collection and coordination for purposes of gender mainstreaming.

Stereotypes and harmful practices

5. Please indicate specific measures taken or envisaged to change social and cultural patterns and eliminate other gender-based stereotypes and harmful practices, such as repudiation; early and forced marriages; widowhood practices, levirate and sororate; and denial of inheritance rights to women. Please provide information on steps taken to explicitly criminalize all the above-mentioned practices and to educate and raise awareness on this subject.

Violence against women

6. Please provide information on the progress made in the prosecution of perpetrators of all acts of sexual violence committed during the turmoil of the strikes in 2007 up to the pre- and post-electoral unrest in 2010, including information on the implementation of the recommendations of the International Commission of Inquiry referred to in paragraph 3 above. Given the failure to submit the exceptional report requested by the Committee under article 18 (1) (b), please provide additional information on the prosecution and punishment of the perpetrators of all acts of violence documented by the International Commission of Inquiry; compensation to victims of rape and all acts of sexual violence; and medical and psychological care provided to victims.

7. Please indicate whether violence against women is given priority attention, including in the justice sector reform currently under way. Indicate whether the State party envisages the adoption of a specific law on violence against women and the criminalization, inter alia, of domestic violence and marital rape. Please provide information on envisaged amendments to discriminatory provisions in the Penal Code, including the narrow definition of rape and, in particular, article 321 under

which rape is aggravated only if the victim is under the age of 14. Mention is made in the report of a national strategy to combat gender-based violence, the design of an operational action plan and the creation of an observatory on gender-based violence (para. 45). Please provide further information on these initiatives, including details on their implementation. It is mentioned that a national survey on gender-based violence was conducted in 2009 (para. 31). Please provide information on the key findings of the survey and follow-up measures taken. It is indicated that despite the law prohibiting female genital mutilation, about 9 out of 10 women are victims of this practice (paras. 192 and 193). Please provide further information on the implementation of the legal provisions pertaining to female genital mutilation; other measures taken to eliminate this practice; and the evaluation of the measures listed in paragraph 31.

Trafficking in women and exploitation of prostitution

8. Please provide detailed information on the implementation of the provisions of the Criminal Code on trafficking in human beings, including statistical data on the number of complaints received concerning trafficking in women and on investigations, prosecutions, convictions and penalties imposed on the perpetrators of such crimes. Please provide further information on the efforts undertaken to determine the root causes and extent of trafficking in women and girls. Please also provide information on legal provisions on the exploitation of prostitution and indicate what programmes, if any, are available to women wishing to leave prostitution. Please indicate what measures, if any, have been taken to decrease the demand for prostitution.

Participation in decision-making and representation at the international level

9. Reference is made in the report to the rights set forth in articles 103, 115 and 129 of the Electoral Code (paras. 60-62). Yet, this information contrasts with the statistics showing low representation of women in decision-making bodies (paras. 66-68). Please provide information on further measures envisaged to increase the number of women elected and/or appointed to decision-making bodies and on efforts to achieve equal representation of women in political and public life, including the adoption of temporary special measures in accordance with article 4 (1) of the Convention and the Committee's general recommendation No. 25, and the imposition of sanctions for non-compliance with the quota measures. Please also indicate whether the State party envisages the adoption of temporary special measures to increase the participation of women in international public life in general and in the diplomatic service in particular (para. 71).

Nationality

10. It is stated in the report that provisions of the Nationality Code conflict with the Convention and that men transmit their nationality to their children ipso facto, unlike women (para. 76). It is further indicated that, as part of the reform of family law, provisions on the transmission of nationality to children will be amended to reflect the provisions of the Convention (para. 78). Please provide detailed information on the envisaged revision to family law, including details on specific provisions concerning the transmission of nationality to children, and on the time frame for such revision (ibid.). Please indicate whether any amendment of the discriminatory

provisions contained in articles 50 to 55 of the Civil Code on the acquisition of nationality through marriage is also envisaged.

Education

11. Please provide information on the measures in place or envisaged to: (a) increase the enrolment rate of girls at all levels of education and address the regional disparities in this regard, including programmes with parent and community participation; (b) reduce the school drop-out rate among girls; (c) eliminate economic, social and cultural obstacles to girls' access to education, including the direct and indirect costs of education and early marriage and pregnancy; (d) curb violence towards and sexual harassment of girls in schools; and (e) eliminate stereotypical attitudes towards the roles and responsibilities of women and men in textbooks, curricula and teacher training.

Employment

12. It is recognized in the report that few women hold senior positions within the Government (para. 106), that there is a gender pay gap (para. 107) and that women work mainly as subsistence farmers, agricultural workers and vendors (para. 109). It is further stated that women amount to only 10 per cent of the economically active population in the modern sector (para. 113); the statistics provided illustrate this gap. Please provide information on measures adopted to address these situations, including on the adoption of pay scales free of gender bias. Please also provide information on the implementation of provisions of the Labour Code, including the principle of wage non-discrimination enshrined in article 206, and other provisions that could restrict women's access to certain types of employment. Please also provide information on the implementation of the legal provisions on the protection of maternity (para. 101), including with regard to maternity benefits, and dismissal during pregnancy.

13. Please indicate the measures taken to address cases of child labour and economic exploitation of children, with a particular focus on girls, and on hazardous labour conditions for women and girls.

Health

14. Various concerns regarding maternal health are mentioned in the report (para. 128). Please indicate the measures taken or envisaged to: (a) address the persisting high rates of maternal mortality; (b) increase access to prenatal care and assisted childbirth; (c) increase access to obstetric care, in particular with regard to the high rate of obstetric fistula; and (d) increase access to family-planning services, including sexual and reproductive health services. Please provide further information on the reproductive health project, access to basic health care and vaccinations, and the implementation and impact of the national AIDS programme (Cadre stratégique national de lutte contre les IST/VIH/SIDA 2013-2017) (para. 129). Please provide further information with regard to the efforts undertaken to improve the health infrastructure in the State party and its accessibility for women.

Access to economic and social benefits

15. It is indicated in the report that the General Civil Service Regulations do not permit family allowances for female civil servants with dependent children (para. 103). Please provide information on measures taken to remedy the situation. What economic and social benefits are women eligible for, given that they constitute the most destitute segment of the Guinean population (para. 145)?

Rural women

16. It is indicated in the report that rural women face a number of problems, such as a low level of literacy, acute poverty, sociocultural burdens and lack of access to such basic services as drinking water, health care and legal services, and persistent violence, especially domestic violence (paras. 155 and 156). However, the report does not provide comprehensive information on measures adopted to address those issues. Please indicate the measures taken or envisaged to ensure that rural women have equal access to basic services, including health care and education, and infrastructure, in addition to economic opportunities, including income-generating projects and credit facilities, on an equal basis with men and with their urban counterparts. Please also indicate the measures taken to address the high prevalence of violence against rural women.

17. It is indicated in the report that the large majority of employed women work as subsistence farmers (table 6). Please provide information on measures taken to address discriminatory rules and practices on inheritance and land tenure and to ensure women's access to land on an equal basis with men.

Disadvantaged groups of women

18. Please provide information on the measures taken or envisaged to ensure that disadvantaged groups of women, including women refugees, women with disabilities, older women, indigenous women and girls living in the street have effective access to health care, education, water, food, housing and income-generating projects and that indigenous women have access. without discrimination, to land and self-sufficient livelihoods.

Marriage and family relations

19. It is indicated in the report that the Civil Code, which contains several discriminatory provisions against women, is being revised (paras. 31 and 183). Please provide information on the discriminatory provisions that will be amended and indicate the time frame for the enactment of the revised Civil Code. Please indicate the envisaged new provisions concerning parental authority and guardianship of minor children and inheritance. Please also indicate measures taken with respect to the discriminatory legal provisions establishing a different minimum age for marriage for girls and boys (art. 280); the legal provisions on choice of residence (art. 331); the practice of polygamy; and early and forced marriages.

20. It is indicated in the report that a family policy has been formulated (para. 183). Please provide detailed information on the key elements of the family policy, its implementation and the mandate and functions of the national directorate established for the implementation of the policy.